



2026:DHC:232



\$~49

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

*Date of Decision: 12.01.2026*+ **BAIL APPLN. 90/2026**

AVINASH

.....Petitioner

Through: Mr. Sudhir Naagar, AOR with Mr.  
Akhil Gusain, Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with SI Inderjeet, PS Jaitpur.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant, suffering incarceration since 03.08.2025 seeks regular bail in case FIR No. 471/2025 of PS Jaitpur for offence under Section 109(1) of BNS. In the pre-lunch session today, the matter was passed over at the request of learned prosecutor so as to enable the IO to produce investigation file with MLC of the accused/applicant, who according to the FIR was assaulted by father of the complainant *de facto* with a shovel in the alleged incident. In this call, the IO has appeared along with the photocopy of the investigation file.



2. Original investigation file has not been brought by the IO/SI Inderjeet, who states that the original investigation file is lying in the trial court. It is not the original chargesheet, but the original investigation file, which had been directed to be produced. Copy of this order be sent to the concerned DCP to apprise him that the original investigation file has been filed by the IO in the trial court.

3. Broadly speaking, the prosecution allegation is that the accused/applicant inflicted knife injuries on the complainant *de facto* and his father, whereas father of the complainant *de facto* assaulted the accused/applicant with a shovel. On this aspect, learned counsel for accused/applicant takes me through statement dated 28.08.2025 of one of the eye witnesses namely Niyaz Ali, who stated that initially, it is father of the present complainant *de facto* who slapped and then assaulted the present accused/applicant with a shovel, after which the fight ensued.

4. It is submitted by the IO that he did not register a cross case against the complainant *de facto* and/or his father because the present accused/applicant filed an application under Section 156(3) CrPC for registration of FIR and that application is pending.

5. It appears that the IO has not fairly investigated genesis of the occurrence. The complainant *de facto* was discharged from hospital on the same day and his father was discharged about six days after the incident.



2026:DHC:232



6. In the above circumstances, the application is allowed and it is directed that the accused/applicant shall be immediately released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.

7. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**JANUARY 12, 2026/dr**